

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
VIOLETTE ISHOO TSACHALIS, :
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Plaintiff, :
:
- against - :
:
COMMISSIONER OF SOCIAL SECURITY, :
:
Defendant. :
:
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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>5/1/2020</u>

19-cv-1535 (VSB) (SLC)

ORDER

VERNON S. BRODERICK, United States District Judge:

Plaintiff Violette Ishoo Tsachalis brings this action pursuant to § 205(g) of the Social Security Act, 42 U.S.C. § 405(g), seeking judicial review of a final determination of the Commissioner of Social Security (the “Commissioner”) denying her application for Disability Insurance Benefits. (Doc. 2.) I referred this case to Magistrate Judge Henry B. Pitman on February 22, 2019, (Doc. 7), and on October 3, 2019 the referral was reassigned to Magistrate Judge Sarah L. Cave, (Dkt. Entry dated Oct. 3, 2019). On October 4, 2019, the Commissioner moved for judgment on the pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, seeking affirmance of its final decision. (Docs. 17–18.) Magistrate Judge Cave issued a Report and Recommendation on March 5, 2020 (the “Report and Recommendation” or “Report”). (Doc. 24.) Neither party filed an objection to the Report.

Before me is Judge Cave’s unchallenged Report and Recommendation, which recommends that the Commissioner’s motion be granted. Judge Cave’s Report is thorough and detailed, and I accept its findings and recommendations, and grant the Commission’s motion for judgment on the pleadings consistent with the findings in the Report and Recommendation.

In reviewing a magistrate judge’s report and recommendation, a district court “may

accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may raise specific, written objections to the report and recommendation within 14 days of being served with a copy of the report. *Id.*; *see also* Fed. R. Civ. P. 72(b)(2). When a party submits a timely objection, a district court reviews de novo the parts of the report and recommendation to which the party objected. 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b)(3). When neither party submits an objection to a report and recommendation, or any portion thereof, a district court reviews the report and recommendation for clear error. *Santana v. Comm’r of Soc. Sec.*, No. 17-CV-2648 (VSB) (BCM), 2019 WL 2326214, at *1 (S.D.N.Y. May 30, 2019); *Marte v. Berryhill*, No. 17-CV-3567 (VSB) (JLC), 2018 WL 5255170, at *1 (S.D.N.Y. Oct. 22, 2018); *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008); *Wilds v. United Parcel Serv., Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

Here, although the Report and Recommendation explicitly provided that “[t]he parties shall have 14 days (including weekends and holidays) from service of this Report and Recommendation to file written objections,” (Doc. 24, at 22), neither party filed an objection. I therefore reviewed Judge Cave’s thorough and well-reasoned Report and Recommendation for clear error and, after careful review, found none. Accordingly, I ADOPT the Report and Recommendation in its entirety, and the Commissioner’s motion for judgment on the pleadings, (Doc. 17), is GRANTED.

The Clerk’s Office is respectfully directed to terminate any open motions, and is further directed to close the case. The Clerk is further directed to mail a copy of this Order to the pro se plaintiff.

SO ORDERED.

Dated: May 1, 2020
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive style with a large, stylized "V" and "B".

Vernon S. Broderick
United States District Judge